

REMARKS

In the Office Action mailed on July 23, 2009, the Examiner rejected claims 1-13. Claims 7 and 13 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-13 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,558,615 to Jungblut (“Jungblut”), U.S. Patent No. 2,430,521 to McCormick (“McCormick”), and U.S. Patent No. 4,290,753 to Klefisch (“Klefisch”), on grounds independent of one another.

In the attached amendment, Applicants have amended claims 1-13 to improve clarity and to conform to accepted U.S. practice. Specifically, claims 1, 5, 6, 10, 11, and 12 have been amended to remove “possibly,” “particularly,” and “may be” expressions. New claims 14-17 were added in light of these amendments. Claim 1 has additionally been amended to address the 35 U.S.C. § 112, second paragraph rejection. Support for amendments to claims 1-13 and new claims 14-17 can be found, for example, in the claims as originally filed, on pages 3, 7, and 11 of the specification as originally filed, and in Figures 1-6. No new matter has been introduced by these amendments.

Applicants also amended the specification to insert the priority information. Specifically, this application is a National Phase Application of International Application No. PCT/EP2004/003396, filed on March 31, 2004. PCT/EP2004/003396 claims the benefit of and priority to German patent application no. DE 103 15 354.3-24, filed on April 3, 2003. No new matter has been introduced by this amendment to the specification.

In view of the amendments to the claims, together with the following remarks, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 7 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, on page 2 of the Office Action, the Examiner indicates that claims 7 and 13 are indefinite as there are in conflict with his interpretation of claim 1. Claim 1, according to the Examiner, states that the basket and the rack elements are part of the same element. Therefore claims 7 and 13 which recite detachable fixing means between the annealing rack element and the annealing basket are unclear as this would requiring fixing or joining a part to

itself.

Applicants have amended claim 1 to recite, “An annealing rack comprising at least one annealing rack element and at least one annealing basket, which is removably placed in the at least one annealing rack element and the shape of the at least one annealing basket is designed for a particular annealing stock.” Support for these amendments can be found, for example, in original claim 1 and on pages 7 and 11 of Applicants’ specification as filed. Claims 7 and 13 have been amended to provide proper antecedent basis in view of the amendments to claim 1.

Applicants believe that these amendments address and cure the Examiner’s concerns with respect to definiteness. As such, Applicants respectfully request reconsideration and withdrawal of all 35 U.S.C. § 112 rejections.

Rejections Under 35 U.S.C. § 102(b) over Jungblut

Claims 1-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jungblut. In order for a claim to be anticipated, the prior art reference must teach each and every element of the claim. Applicants respectfully submit that Jungblut fails to teach each and every element of Applicants’ independent claim 1 as amended.

Applicants’ independent claim 1 is directed to an annealing rack that includes at least one annealing rack element and at least one annealing basket. The at least one annealing basket is removably placed in the at least one annealing rack element. The shape of the at least one annealing basket is designed for a particular annealing stock.

Jungblut discloses an annealing basket made of steel. Jungblut at Abstract. Jungblut does not teach or suggest: (1) at least one annealing rack element, (2) at least one annealing basket that is removably placed in the at least one annealing rack element, and (3) that the shape of the at least one annealing basket is designed for a particular annealing stock. Instead, Jungblut only teaches an annealing basket 10 that has a bottom 14 and side walls 16. Jungblut at col. 2, ll. 13-17. See, also Jungblut at Fig. 1. Jungblut provides no teaching or suggestion with respect to at least one annealing rack element. Jungblut also fails to disclose the placement of the annealing basket 10, and thus does not teach the claim limitation that the at least one annealing basket is removably placed in the at least one annealing rack element. Furthermore, the shape of

Jungblut's annealing basket is not designed for a particular annealing stock. Therefore, Jungblut fails to teach each and every element of Applicants' independent claim 1.

Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) over Jungblut be reconsidered and withdrawn. Applicants also respectfully submit that claims 2-13 (as well as new claims 14-17) are allowable because they depend upon allowable base claim 1.

Rejections Under 35 U.S.C. § 102(b) over McCormick

Claims 1-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by McCormick. In order for a claim to be anticipated, the prior art reference must teach each and every element of the claim. Applicants respectfully submit that McCormick fails to teach each and every element of Applicants' independent claim 1 as amended.

Specifically, McCormick does not teach or suggest: (1) at least one annealing rack element, (2) at least one annealing basket that is removably placed in the at least one annealing rack element, and (3) that the shape of the at least one annealing basket is designed for a particular annealing stock. Instead, McCormick discloses a "malleablizing tray having a fixed base with replaceable and floating corner post sections which mount end and side wall members." McCormick at col. 1, ll. 3-5. McCormick's annealing tray (i.e., annealing basket) has a base member A, corner posts B, a tray liner sheet C, end walls D and side walls E. McCormick at col. 2, ll. 42-44. See, also McCormick at Fig. 1. McCormick provides no teaching or suggestion with respect to at least one annealing rack element. McCormick also fails to disclose the placement of its annealing tray, and thus does not teach the claim limitation that the at least one annealing basket is removably placed in the at least one annealing rack element. Furthermore, the shape of McCormick's annealing tray is not designed for a particular annealing stock (i.e., to accommodate the greatly vary shapes of the annealing stock. See page 2 of originally filed application). Therefore, McCormick fails to teach each and every element of Applicants' independent claim 1.

Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) over McCormick be reconsidered and withdrawn. Applicants also respectfully submit

that claims 2-13 (as well as new claims 14-17) are allowable because they depend upon allowable base claim 1.

Rejections Under 35 U.S.C. § 102(b) over Klefisch

Claims 1-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Klefisch. In order for a claim to be anticipated, the prior art reference must teach each and every element of the claim. Applicants respectfully submit that Klefisch fails to teach each and every element of Applicants' independent claim 1 as amended.

Specifically, Klefisch does not teach or suggest: (1) at least one annealing rack element, (2) at least one annealing basket that is removably placed in the at least one annealing rack element, and (3) that the shape of the at least one annealing basket is designed for a particular annealing stock. Instead, Klefisch discloses a heat treating basket for receiving objects. Klefisch at Abstract. Klefisch's heat treating basket has a bottom grating 10 and vertical struts 15 projecting upwardly. Klefisch at Abstract and Fig. 1. Klefisch provides no teaching or suggestion with respect to at least one annealing rack element. Klefisch also fails to disclose the placement of its heat treating basket 10, and thus does not teach the claim limitation that the at least one annealing basket is removably placed in the at least one annealing rack element. Furthermore, the shape of Klefisch's basket is not designed for a particular annealing stock. Therefore, Klefisch fails to teach each and every element of Applicants' independent claim 1.

Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) over Klefisch be reconsidered and withdrawn. Applicants also respectfully submit that claims 2-13 (as well as new claims 14-17) are allowable because they depend upon allowable base claim 1.

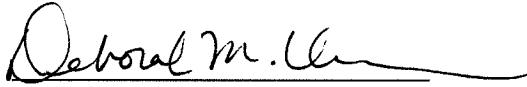
In view of the above, Applicants respectfully request that all rejections under 35 U.S.C. § 102(b) be reconsidered and withdrawn. Furthermore, because each of Jungblut, McCormick, and Klefisch fails to teach or suggest at least two of the claimed elements, Applicants respectfully submit that even the combination of the three references does not teach or suggest each and every element of Applicants' claims. That is, Jungblut, McCormick, and Klefisch, alone or in

combination, do not teach or suggest: (1) at least one annealing rack element, (2) at least one annealing basket that is removably placed in the at least one annealing rack element, and (3) that the shape of the at least one annealing basket is designed for a particular annealing stock.

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and requests early favorable action. If the Examiner believes a telephonic interview would expedite the prosecution of the present application, the Examiner is welcome to contact Applicants' Attorney at the number below.

Respectfully submitted,



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Date: October 23, 2009
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